

Senate File 2259 - Introduced

SENATE FILE 2259

BY DICKY

A BILL FOR

1 An Act relating to damages owed by a person at fault in crashes
2 and collisions involving commercial motor vehicles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.274 Crashes and collisions
2 involving commercial motor vehicles — damages.

3 1. *a.* In the event of a crash or collision resulting in
4 damage to a commercial motor vehicle, the person at fault
5 shall, if the person is not the owner or operator of the
6 damaged commercial motor vehicle, arrange for and pay the
7 costs associated with the provision of a suitable replacement
8 commercial motor vehicle to be delivered to the owner or
9 operator of the damaged commercial motor vehicle without
10 unnecessary delay. The suitable replacement commercial motor
11 vehicle shall be provided by the person at fault until the
12 required repairs to the damaged commercial motor vehicle are
13 completed or the damaged commercial motor vehicle is placed
14 back into service by the owner or operator, whichever occurs
15 first.

16 *b.* A person who fails to comply with paragraph "*a*" shall
17 reimburse the owner or operator of the damaged commercial
18 motor vehicle for the costs incurred by the owner or operator
19 to obtain a suitable replacement commercial motor vehicle,
20 including but not limited to rental charges, to use until the
21 required repairs to the damaged commercial motor vehicle are
22 completed or the damaged commercial motor vehicle is placed
23 back into service by the owner or operator, whichever occurs
24 first.

25 2. A person who is at fault and causes damage to a
26 commercial motor vehicle in a crash or collision shall, if the
27 person is not the owner or operator of the damaged commercial
28 motor vehicle, compensate the owner or operator of the damaged
29 commercial motor vehicle for each day the owner or operator is
30 unable to operate the commercial motor vehicle, or a suitable
31 replacement vehicle provided by the person at fault, as a
32 result of the crash or collision. The compensation shall be
33 equal to the mean average net revenue the owner or operator
34 received for each day the commercial motor vehicle was in
35 service based on the previous thirty in-service days prior to

1 the crash or collision.

2 3. Notwithstanding section 668.3, subsection 1, the
3 recovery under this section of an owner or operator of a
4 damaged commercial motor vehicle shall not be diminished due to
5 the contributory fault of the owner or operator.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to damages owed by a person at fault in
10 crashes and collisions involving commercial motor vehicles.

11 The bill requires a person at fault in a crash or collision
12 involving a commercial motor vehicle (CMV) to arrange for and
13 pay the costs associated with the provision of a suitable
14 replacement CMV to be delivered to the owner or operator of
15 the damaged CMV without unnecessary delay. The suitable
16 replacement CMV must be provided by the person at fault
17 until the required repairs to the damaged CMV are completed
18 or the damaged CMV is placed back into service by the owner
19 or operator, whichever occurs first. A person who fails to
20 arrange and provide a suitable replacement CMV must reimburse
21 the owner or operator of the damaged CMV for the costs incurred
22 by the owner or operator to obtain a suitable replacement CMV,
23 including but not limited to rental charges, to use until
24 the required repairs to the damaged CMV are completed or
25 the damaged CMV is placed back into service by the owner or
26 operator, whichever occurs first.

27 The bill requires a person who is at fault and causes damage
28 to a CMV in a crash or collision to compensate the owner or
29 operator of the damaged CMV for each day the owner or operator
30 is unable to operate the CMV, or a suitable replacement CMV
31 provided by the person at fault, as a result of the crash or
32 collision. The compensation must equal the mean average net
33 revenue the owner or operator received for each day the CMV was
34 in service based on the previous 30 in-service days.

35 Under current law, any damages for fault resulting in injury

1 to property must be diminished in proportion to the amount of
2 fault attributable to the claimant. Such comparative fault
3 considerations do not apply to the bill.